

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:04-cr-0074-SEB-TAB
)	
DRAMANE JOHNSON,)	
)	- 03
Defendant.)	

REPORT AND RECOMMENDATION

On August 27, 2019, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on August 2, 2017. [Dkt. 155.] Defendant Johnson appeared in person with his appointed counsel Mario Garcia. The government appeared by Nicholas Linder, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Timothy Hardy.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Johnson of his rights and ensured he had a copy of the Petition.
2. After being placed under oath, Defendant Johnson admitted to violation no. 1 as set forth in the Petition. Government, without objection, moved to dismiss violation nos. 2 and 3 and the same was granted. [Docket No. 155.]
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

**Violation
Number**

Nature of Noncompliance

1

“The defendant shall not commit another federal, state, or local crime.”

On July 28, 2017, Dramane Johnson was arrested and charged with Count 1, Dealing in a Narcotic Drug (Heroin); Count 2, Possession of a Narcotic Drug (Heroin); Count 3, Dealing in Cocaine; Count 4, Possession of Cocaine; Count 5, Dealing in Methamphetamine; Count 6, Possession of Methamphetamine; Count 7, Possession of a Narcotic Drug (Hydrocodone); Count 8, Carrying a Handgun Without a License; and Count 9, Resisting Law Enforcement. According to the probable cause affidavit, on July 28, 2017, Indianapolis Metro Police Department officer's [sic] observed the offender walk up to a person parked in a vehicle at 1030 N. Arlington Avenue in Indianapolis. Officers exited their vehicle, and the offender began running away. The offender was eventually apprehended and officers located a large sum of cash in the offender's pocket, along with his wallet and ID card.

During the investigation, police officers collected the items throw down by the offender while fleeing to include several types of drugs and scales.

The vehicle driven by Mr. Johnson to the location was identified and was parked in the parking lot. The vehicle was unoccupied and the engine was still running. Police observed a black handgun tucked between the driver's seat and the center console. Police recovered the handgun (Bersa Thunder 380, serial #D22459) and they also recovered two prescription bottle [sic] with the labels torn off of them. One bottle contained Hydrocodone and the other bottle contained Naproxen. Two cell phones were recovered inside the vehicle.

The offender posted \$2,000 cash bond the same day. On July 29, 2017, he was released from the Marion County Jail. On August 1, 2017, he initially appeared and was ordered released with a condition of GPS monitoring. His next court appearance is scheduled for November 7, 2017.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade A violation.
- (b) Defendant's criminal history category is I.
- (c) The range of imprisonment applicable upon revocation of supervised

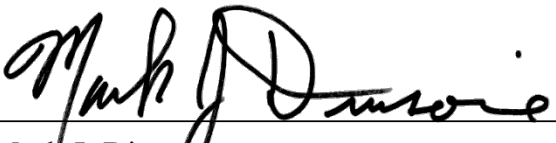
release, therefore, is 24 to 30 months' imprisonment.

5. The parties jointly recommended a sentence of twenty-four (24) months imprisonment, to be served consecutive to any sentence Defendant is presently serving for his underlying State conviction in Marion County, Indiana, with no supervised release to follow. Defendant requested to serve his federal sentence prior to the state sentence and further requested placement at FCI Milan, Michigan.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions set forth in violation no. 1 of the Petition, and recommends that Defendant's supervised release be revoked, and that he be sentenced to the custody of the Attorney General or his designee for a period of twenty-four (24) months, with such sentence to be served consecutive to any sentence Defendant is presently serving for his underlying State conviction in Marion County, Indiana, and with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge further recommends that the Court recommend that Defendant serve his federal sentence prior to the state sentence and that Defendant be placed at FCI Milan, Michigan if appropriate.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to this Report and Recommendation.

Dated: 30 AUG 2019



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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